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H – 1700

International Court of Justice

AJ 7

ARMY SERVICE FORCES
Third Service Command
Fort George G. Meade, Maryland

14 March 1946

Die mir von Prof. Dr. Exner mit Fragebogen vom 6. 1. 1946 vorgelegten Fragen beantworte ich wie folgt:

1) In welcher Stellung befanden Sie sich in den letzten Kriegsjahren?

Antwort: Chef des Heeresstabes beim Chef OKW.

2) Seit wann hatten Sie die Stellung des Chefs des Heeresstabes inne?

Antwort: 13 Januar 1942.

3) Ist es richtig, dass Sie in dieser Eigenschaft an fast allen Lagevortraegen beim Fuehrer teilgenommen haben?

Antwort: Es ist richtig.

4) Nach einem Stenogramm haben Sie auch an dem Lagevortrag am Abend des 1. 12. 1942 teilgenommen, an dem es zu einer langen Auseinandersetzung des Fuehrers mit Jodl kam wegen Bekaempfung der Partisanen im Osten. Ist das richtig?

Antwort: Ich habe an dieser Besprechung teilgenommen. Das Datum weiss ich nicht mehr genau.

5) Ist es richtig oder nicht, dass dabei Jodl vom Fuehrer die Rueckgabe der bei ihm entworfenen Vorschrift ueber Bandenbekaempfung verlangte?

Antwort: Es ist richtig.

6) Ist es richtig oder nicht, dass in diesem Entwurf das Niederbrennen von Doerfern ausdruecklich verboten war?
7) Ist es richtig oder nicht, dass der Fuehrer dieses Verbot beseitigt wissen wollte?

Antwort: Da ich den Entwurf der Vorschrift nie in Haenden hatte, weiss ich nicht sicher, ob das Niederbrennen von Doerfern ausdruecklich verboten war. Es ist aber anzunehmen, denn ich entsinne mich, dass der Fuehrer sich gegen einzelne Anordnungen der Vorschrift auflehnte

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und des Niederbrennen der Doerfer verlangte.

8) Ist es richtig oder nicht, dass der Fuehrer auch deshalb Bedenken gegen den Entwurf hatte, weil er wuenschte, dass den Soldaten, die sich unmittelbar im Kampf mit den Partisanen befaenden, keine Beschraenkungen auferlegt wuerden.

Nach dem Protokoll hat hierauf Jodl die Bemerkung gemacht: "Davon ist hier gar keine Rede. Sie koennen im Kampf machen, was sie wollen, sie aufhaengen, verkehrt aufhaengen oder vierteilen, darueber steht nichts drin. Die einzige Einschraenkung betrifft die Repressalien nach dem Kampf in jenen Gebieten, in denen Banden gearbeitet haben..."

Antwort: Es ist richtig, dass der Fuehrer grundsaetzliche Bedenken wegen dieser Beschraenkungen hatte. Die Bemerkung Jodl ist dem Inhalt nach richtig. Des genauen Wortlauts kann ich nicht entsinnen.

9) Ist es richtig oder nicht, dass auf diese Bemerkung hin die Anwesenden (Fuehrer, Keitel, Kranke, und Sie selbst) einschliesslich des Fuehrers lachten und der Fuehrer seinen Standpunkt aufgab?

Antwort: Es ist wahrscheinlich, dass wir auf die Bemerkung Jodls alle gelacht haben. Ob der Fuehrer danach seinen Standpunkt tatsaechlich aufgegeben hat, weiss ich nicht sicher. Es erscheint mir aber moeglich.

10) Wie wurden also die Ausdruecke "haengen, verkehrt aufhaengen, vierteilen" aufgefasst?

Antwort: Die Ausdruecke "haengen, verkehrt aufhaengen, vierteilen" konnten im Zusammenhang nur als ironische Bemerkung aufgefasst und so verstanden werden, dass nach der Vorschrift den Soldaten im Kampf keine weiteren Beschraenkungen auferlegt werden sollen.

11) Koennen Sie etwas sagen, ueber die grundsaetzliche Einstellung Jodls zur Verpflichtung der Wehrmacht, sich im Kriege an die Bestimmungen des Voelkerrechts zu halten?

Antwort: Die grundsaetzliche Einstellung Jodls kenne ich nicht. Ich weiss nur von meinem und Jodlsunmittelbaren Vorgesetzten Keitel, dass dieser stets bemueht war, sich an die Bestimmungen des Voelkerrechts zu halten.

12) Sind Ihnen einschlaegige Einzelfaelle in Erinnerung?

Antwort: Kein.

13) Haben Sie je erlebt, dass Jodl den Fuehrer zu einem Befehl anregte, der dem Voelkerrecht widersprach?

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Antwort: Kein.

Walter Buhle

WALTER BUHLE
General der Infanterie

Fort George G. Meade, Maryland
14 March 1946

The undersigned bears witness that the above answers by Prisoner of War General Walter Buhle were made in his presence.

F. S. Youkstetter

F.S. YOUKSTETTER
1st Lt, A.C., AUS

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Exner

ARMY SERVICE FORCES
Third Service Command
Fort George G. Meade, Maryland

14th March 1946

I answer as follows in reply to the questions which Prof. Dr. Exner has put to me in his questionnaire dated 6th January 1946 :

1) In what position were you in the latter years of the war ?
Answer: Chief of the Army Staff under the Chief OKW (Armed Forces High Command).

2) Since when had you been in the position of Chief of the Army Staff ?
Answer: 13th January 1942.

3) Is it true that in this capacity you took part in nearly all the speeches made ~~xixexmpx~~ about the situation in the presence of the Führer ?

Answer: That is so.

4) According to a shorthand report, you also took part in the situation-report in the evening of 1st December 1942, at which there was a lengthy discussion between the Führer and Jodl concerning resistance to the Partisans in the East. Is that true ?

Answer: I took part in that discussion. I am no longer positive about the date.

5) Is it true ~~ixxx~~ or not that Jodl asked the Führer to rescind the instructions that had been planned for fighting bands encountered ?

Answer: It is true.

6) Is it true or not that in these plans the burning of villages was expressly forbidden ?

7) Is it true or not that the Führer wanted to annul this ban ?

Answer: As I never had the plan of these operations in my hands, I am not sure whether the burning of villages was expressly forbidden. That is, however, to be presumed because I remember that the Führer disagreed with individual items of the plans and demanded the burning of villages.

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8) Is it true or not that the Führer had doubts about the plan because he did not want any restrictions to be placed on soldiers who were in actual combat against Partisans ?

According to the record, Jodl then made the remark : "That is out of the question. They can do what they like in battle: hang them, hang them upside down or quarter them; there is nothing in that. The only restriction concerns repressive measures after fighting in those regions in which bands have operated ....".

Answer: It is true the Führer, on principle, had doubts about these restrictions. Jodl's statement is substantially true. I cannot remember the exact wording.

9) Is it true or not that, on this remark being made, those present (i.e. the Führer, Keitel, Kranke and you yourself) laughed, including the Führer, and that the Führer relinquished his point ofview ?

Answer: It is probable that we did all laugh at Jodl's remark. Whether the Führer actually altered his opinion after that, I am not certain. But it appears to me possible.

10) Now, howwere the expressions "hang, hang upside down, quarter" comprehended ?

Answer: The expressions "hang, hang upside down, quarter" could, in this sense, only be comprehended as an ironical remark and understood to mean that according to regulations no further restrictions should be imposed on soldiers in actual battle.

11) Can you tell us anything about Jodl's basic attitude towards the obligation of the Armed Forces to adhere in war-time to the regulations of International Law ?

Answer: I do not know Jodl's basic conception. I am only aware from my own and Jodl's immediate superior officer Keitel that he always endeavoured to adhere to the principles of International Law.

12) Do you remember any pertinent individual cases ?

Answer: None.

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13) In your experience, did Jodl ever incite the Führer to give a command which was contrary to the regulations of International Law ?

Answer : Never.

(signed) WALTER BUHLE,
Infantry-General

Fort George G. Meade, Maryland
14th March 1946

The undersigned bears witness that the above answers by Prisoner of War General Walter Buhle were made in his presence.

(signed) F.S. Voukstetter
1st Lt, A.C., AUS.

CERTIFICATE OF TRANSLATION

I, Lt.Col. Clive Mc Cracken (retd.), hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the above document.

CLIVE Mc CRACKEN
A.E.F. Permit 59681

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Neu-Ulm Germany
19 April 1946

Personally appeared before me, the undersigned authority for administering oaths in cases of this character, Lt.Col. Heinz Waizenegger ISN 31G-6320327, who, having been warned of his rights and having been duly sworn according to law, deposes and says as follows:

1. I was from November 1942 until 28 February 1945 adjutant to Col.General Jodl.

2. The operational contact of the OKW theatres alone took up so much time of my superior that he was unable to attend to administrative matters or any other matters outside his operational contact. Only little time could he spare for informing the press and for the High Command communique. The conferences with the Führer lasted mostly 6 to 8 hours a day. Adding to this came the conferences with the general staff corps officers of the "Wehrmachtsführungsstab". In spite of Col.Gen.Jodl's working until 4 o'clock in the morning he could hardly do all the work the conducting of his operational task impounded upon him.

3. To relieve Col.Gen.Jodl I handled many memorandums and orders that had nothing to do with the operational conduct or that were not so important, directly down to the officer concerned in the "Wehrmachtsführungsstab".

4. For the same reason I suggested to leave the conference with the Führer up to General Warlimont. This was carried out. Col.Gen.Jodl could work more intensely on his operational conduct.

5. This complete division was practicly in force. Administrative work was hardly done by Col.Gen.Jodl. Only from time to time Jodl was roughly informed of the situation by the Quartermaster of the"WFST". Keitel cooperated mostly directly with the Quartermaster and called him very often to a conference. Whenever a General Staff Corps Officer came back from a journey from the OKW theatres of war and submitted his report Jodl was only interested in the questions concerning the operational conduct. Everything else was handled by Keitel.

6. At most of the conferences with the Führer I was present.

7. During the conferences where I was present annihilation of the Jews or atrocities in the concentration camps were never mentioned. I do not believed that this was mentioned when I was not present. The "Reichsführer SS" and "Gruppenführer Fegelein" had very often alone conferences with the Führer. I believe that in these conferences those questions were discussed. I think it is impossible that Jodl knew about these atrocities for this was top secret in the Headquarter. In the 2 1/2 years of my working with Jodl I knew him as a good soldier with a great sense of justice. I am convinced that Jodl would highly have disapproved the atrocities in the concentration camps and the atrocities against the Jews had he known about them.

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Further the deponent sayeth not.

/s/ Heinz Waizenegger
/t/ Heinz Waizenegger
Lt.Col. ISN 31G-6320327

Sworn and subscribed to before me this 19th day of April 1946.

/s/ William E.Hensel
/t/ William E.Hensel
Capt.47th Inf.
Summary Court.

A. JODL

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